

A-6060 (a) & (b)
Variance (a) & Special Permit (b)

(a₁) Install a Cedar board fence along the east property line measuring a maximum of five feet, three inches (5'-3") in height between the front building restriction line and the northeast corner of the property; then

(b₁) continuing in a northerly direction extending four feet, eleven inches (4'-11") into the West Irving Street public right-of-way, increasing in height to measure a maximum of six feet, three inches (6'-3") in height terminating twenty-six (26) inches from the West Irving Street public sidewalk.

(b₂) Install a wood scalloped board fence measuring a maximum height of six feet, three inches (6'-3") in the West Irving Street public right-of-way and twenty-six (26) inches from the sidewalk for a length of approximately seventy-six (76) feet parallel with the north property line.

(b₃) At the termination of this fence, a proposed wood picket fence measuring a maximum of six feet, three inches (6'-3") in height would turn at a ninety (90) degree angle toward the property (south) for a length of four feet, eleven inches (4'-11") and decrease in height to five feet, three inches in height (5'-3").

(a₂) At the property line the proposed wood picket fence, measuring a maximum of five feet, three inches (5'-3") in height, would continue in a southerly direction to the front building restriction line for a distance of twenty-five (25) feet, and would include a gate.

Mr. & Mrs. Martin Weinstein
5815 Cedar Parkway

5815 Cedar Parkway



Figure 1: View of 5815 Cedar Parkway. The proposed fence location is to the left, parallel to the sidewalk, in the West Irving Street public right-of-way and front yard. At the large pine tree the proposed fence returns to the house.



Figure 2: View of the West Irving Street front yard. The proposed fence would be parallel to the sidewalk, located between the hollies and the sidewalk, in the West Irving Street right-of-way. To the right (west) of the large pine tree the fence returns to the house.

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 9th day of January, 2012 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6060 (a) & (b)
MR. & MRS. MARTIN J. WEINSTEIN
5815 CEDAR PARKWAY
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance and special permit from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to:

(a1) Install a Cedar board fence along the east property line measuring a maximum of five feet, three inches (5'-3") in height between the front building restriction line and the northeast corner of the property; then

(b1) continuing in a northerly direction extending four feet, eleven inches (4'-11") into the West Irving Street public right-of-way, increasing in height to measure a maximum of six feet, three inches (6'-3") in height terminating twenty-six (26) inches from the West Irving Street public sidewalk.

(b2) Install a wood scalloped board fence measuring a maximum height of six feet, three inches (6'-3") in the West Irving Street public right-of-way and twenty-six (26) inches from the sidewalk for a length of approximately seventy-six (76) feet parallel with the north property line.

(b3) At the termination of this fence, a proposed wood picket fence measuring a maximum of six feet, three inches (6'-3") in height would turn at a ninety (90) degree angle toward the property (south) for a length of four feet, eleven inches (4'-11") and decrease in height to five feet, three inches in height (5'-3").

(a2) At the property line the proposed wood picket fence, measuring a maximum of five feet, three inches (5'-3") in height, would continue in a southerly direction to the front building restriction line for a distance of twenty-five (25) feet, and would include a gate.

The Chevy Chase Village Code § 8-22 (f) states:

No person shall construct any fence or wall which exceeds forty-eight (48) inches in height at any location between the front lot line and the front building restriction line.

The Chevy Chase Village Code § 8-31 (c) states:

Except as proved in Section 8-31 (b), no structures, play equipment fence, wall, tree, hedge or shrubbery, or any other growth shall be permitted on public property devoted to private use without a special permit from the Board of Managers.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 30th day of December, 2011.

Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300

Chevy Chase Village

Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property: 585 Cedar Plwy	
Describe the Proposed Project: See attached	
Applicant Name(s) (List all property owners):	
Daytime telephone:	Cell:
E-mail:	
Address (if different from property address):	
For Village staff use:	Date this form received: 12/19/11 Variance No: A-6060 atb

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Variance (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☒ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☒ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☒ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code. If there are no covenants, provide a letter from an attorney or the title insurance carrier stating that there are no covenants.
- ☒ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: [Signature]

Date: 12/20/11

Applicant's Signature: [Signature]

Date: 12-20-11

Describe the basis for the variance request (attach additional pages as needed).

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

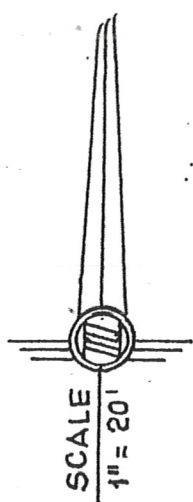
Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Variance Filing Fee	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ Fee Paid: <i>previously assessed</i>	Date Paid: <i>12/18/11</i> Staff Signature: <i>[Signature]</i>

Diagram 1

Part of Lot 9 Block 29
Montgomery County, Maryland
Plat Book 2 at Page 106

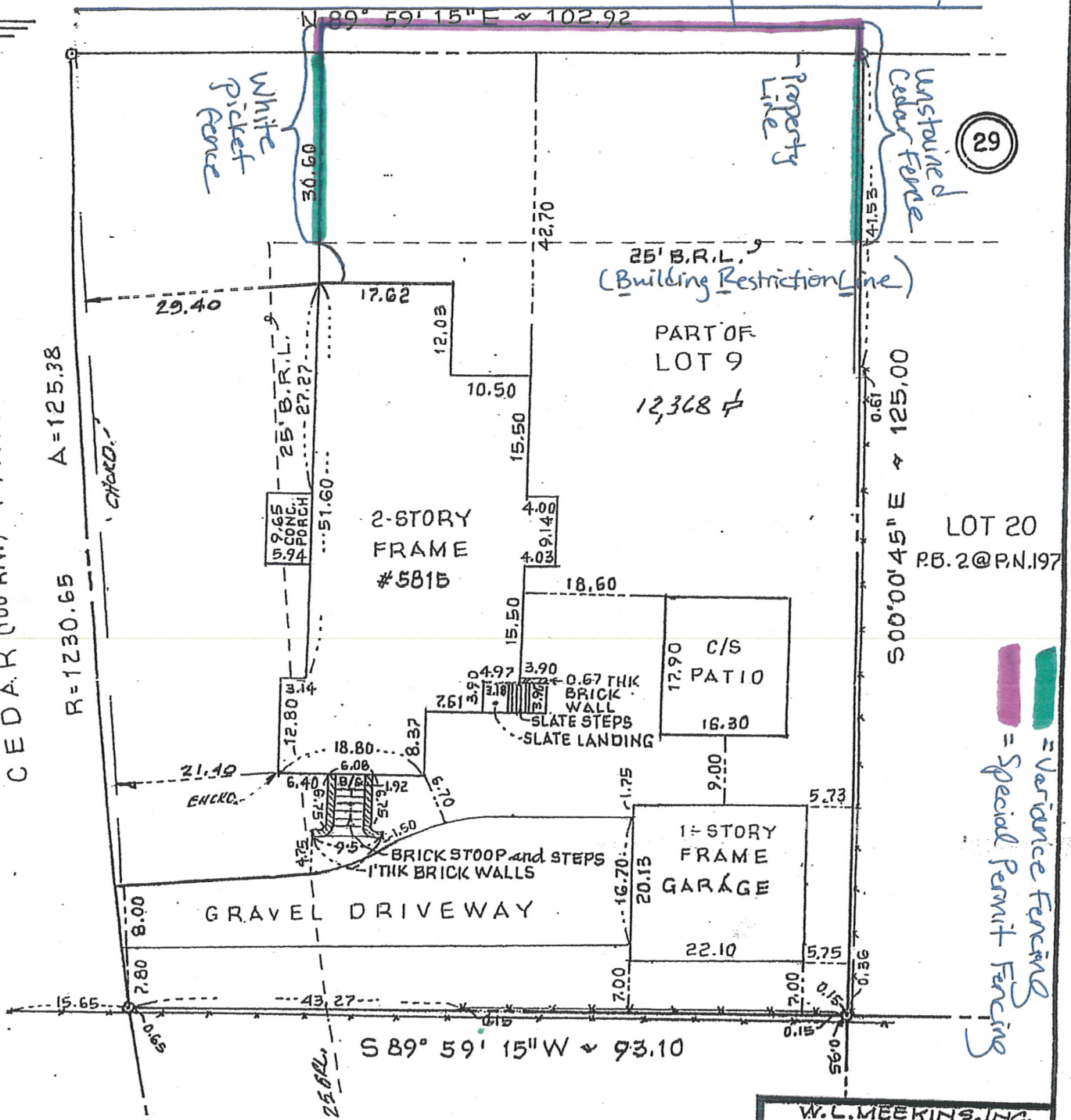


CEDAR (100' R/W) PARKWAY

A = 125.38

R = 1230.65

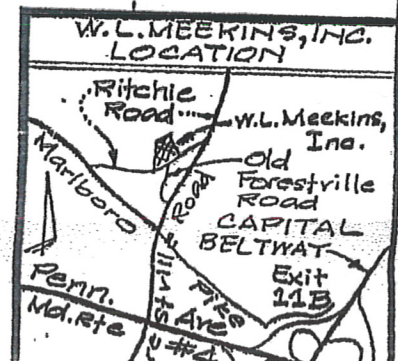
IRVING (60' R/W) STREET



LOT 8

SURVEYOR'S CERTIFICATES:

I hereby certify that the position of the existing improvements on the above described property has been carefully established by a transit-tape survey and that unless otherwise shown, there are no visible encroachments.



Special Permit Fencing

Application for Variance

Subject Property: 5815 Cedar Pkwy

Describe the proposed project: We propose to add 25' of Chestnut Hill style white picket fencing (even with front of house on left side) and 25' of unstained cedar board fencing (along rear property line and connecting to existing fencing installed by rear neighbors). The picket fencing would be 54" high, and the unstained cedar fencing would be 5' tall. These sections of fencing run from the property line to the Building Restriction Line. See attached diagram 1 and elevations 1, 2 and 3.

Applicant Names: Lori and Martin Weinstein

Daytime Telephone: 240-396-6280/202-294-7479

E-mail: loriannweinstein@gmail.com

Basis for Variance Request:

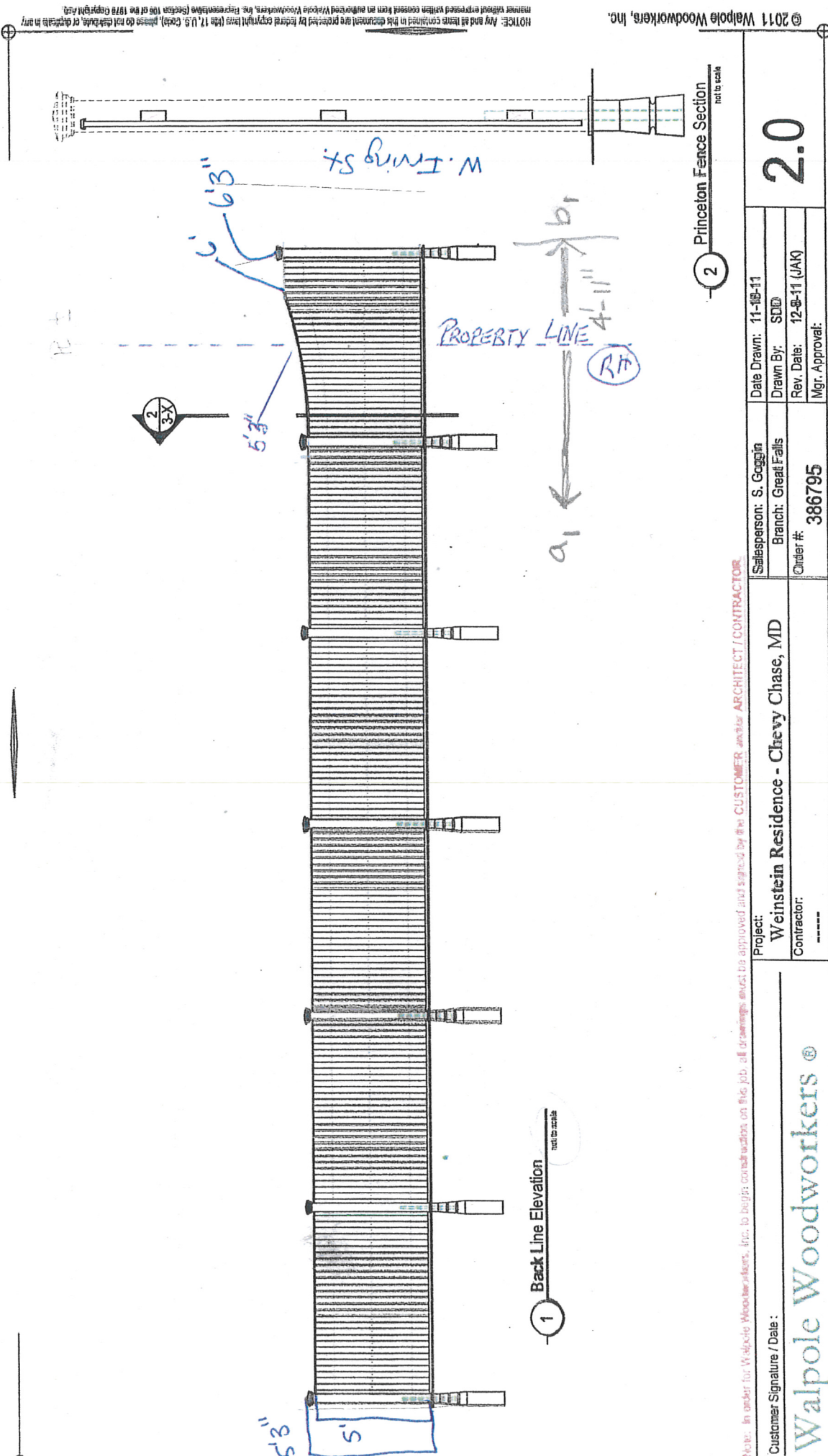
Special Conditions of the Property: Our home is on a corner lot at the corner intersection of Cedar Parkway and W. Irving Street. Cedar Parkway is broadly recognized as a busy thoroughfare in the Village, and cars often exceed the speed limit at our corner.

How Enforcement of the building regulations would result in an unwarranted hardship and injustice because of special condition described above: We would like to fence in our rear yard so that our dog and children can play in back without us worrying that they will run after something into the street. If we were not on a corner lot, we would not need a variance for this fencing because it is in what we consider to be our rear and side yard. Although our property already had invisible electric fencing when we moved in, we are very concerned that our dog would bolt through it upon seeing another dog. The reason we have proposed fencing over 4' high is that our dog can jump 4' in the air from a standing position, so we do not want him to try to jump up and over the fence and into Cedar Parkway.

How the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the CC Village Code: We believe the picket fencing in the front will add to the architectural beauty of the house and neighborhood. We met with several fencing companies, and we followed the recommendation of our landscaper, Bob Hawkins, to work with Walpole Woodworkers. Although Walpole was by far the most expensive of the contractors with whom we met, we felt the quality and style of the fencing they proposed was most consistent with the high standards of Chevy Chase Village. The neighbors previously received notice of this project, and none voiced any objection to the white picket fencing or the rear cedar fencing. We have called most of our surrounding neighbors, most of whom fully

support this project. A few did not return our calls, but we have since sent letters to everyone on the notice list fully explaining the proposed fencing and reasons therefore in this application and the variance application being submitted at the same time. For the above reasons, we believe the fencing is fully consistent with the intent and purpose of Chapter 8 of the Chevy Chase Village Code entitled *Buildings and Building Regulations*.

Elevation 3 - Rear Unstained Cedar Board Fencing



Note: In order for Walpole Woodworkers, Inc. to begin construction on this job all drawings must be approved and signed by the CUSTOMER and the ARCHITECT / CONTRACTOR.

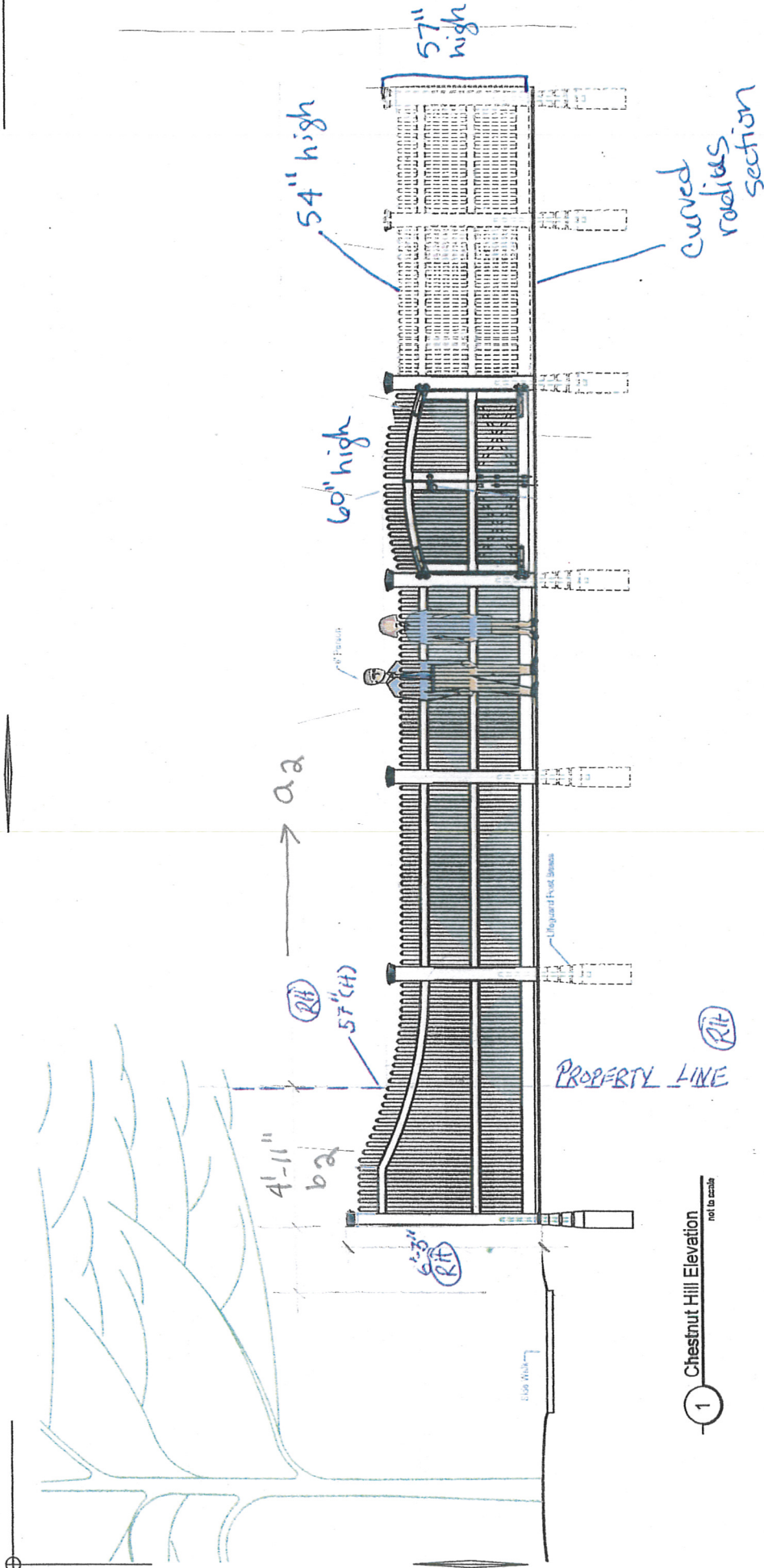
Project:		Salesperson: S. Goggin	Date Drawn: 11-18-11
Customer Signature / Date:		Branch: Great Falls	Drawn By: SDG
Walpole Woodworkers®		Order #: 386795	Rev. Date: 12-8-11 (JAK)
		Contractor: ----	Mgr. Approval:

File: I:\Clients\Wood-Fence\Princeton\2011-BR18-Weinstein RES.dwg, 2.0, 12/18/2011 1:59:17 PM

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Elevation 2 - White Picket Fencing



1 Chestnut Hill Elevation

not to scale

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Customer Signature / Date :	Walpole Woodworkers®		2.2	
	Project: Weinstein Residence - Chevy Chase, MD		Date Drawn: 11-18-11	
Contractor: -----	Order #: 386795		Drawn By: SDD	
	Mgr. Approval:		Rev. Date: 12-8-11 (JAK)	

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Chevy Chase Village

Application for a Special Permit

Chevy Chase Village Code Section 8-1(aa) defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.

Subject Property: 5815 Cedar Pkwy	
Describe the Proposed Project: See attached	
Applicant Name(s) (List all property owners):	
Daytime telephone:	Cell:
E-mail:	
Address (if different from property address):	
For Village staff use:	Date this form received: 12/20/11 Special Permit No: A-607046

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Special Permit (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☒ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☒ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☒ Copy of Covenants, except for special permits authorized by Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code. If there are no covenants, provide a letter from an attorney or the title insurance carrier stating that there are no covenants.
- ☒ Applicable special permit fee listed in Chapter 6 of the Village Code.

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this special permit request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: [Signature]

Date: 12/20/11

Applicant's Signature: [Signature]

Date: 12-20-11

Describe the basis for the special permit request (attach additional pages as needed):

Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

In exercising its powers in connection with a special permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Special Permit Filing Fees	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<i>Per Village Code Sec. 6-2(a)(24):</i> <input type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$2,250.00 for demolition of main building. <input type="checkbox"/> \$300.00 for demolition of accessory building or structure. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. Fee Paid: <i>previously assessed</i>	Date Paid: <i>11/2/11</i> Staff Signature: <i>[Signature]</i>

Application for Special Permit

Subject Property: 5815 Cedar Pkwy

Describe the proposed project: We propose to add a forest green scalloped board fence in the right of way 26" from the W. Irving Street sidewalk, solely for the portion of our yard from our house structure to our rear (east) property line. This special permit application is also for a 4'11" section of white picket fencing (even with front of house) and a 4'11" section of unstained cedar fencing (near rear property line), both running perpendicular to the forest green board fence. See diagram 1 and elevations 1, 2 and 3.

Applicant Names: Lori and Martin Weinstein

Daytime Telephone: 240-396-6280/202-294-7479

E-mail: loriannweinstein@gmail.com

Basis for Special Permit Request: Although the proposed fencing in this permit is considered in the "front yard," due to our corner lot location, the area we want to fence is actually our rear yard. The forest green board fencing along W. Irving St. would be directly in front of holly trees that already screen our yard from view and are several feet higher than the proposed fence would be. The fencing, which would be a 5 ½ to 6' scallop (with posts a maximum height of 6'3") would run along the holly trees and a large pine tree that also screens the yard from view. Just after the front of the pine tree, the fence stops and turns at a right angle toward the house, where it becomes a white picket fence 54" high. The attached picture (1) shows the area where the green fence would be as it currently appears. As you can see, the scalloped green fence would not alter the view at all from its current state. The remaining portion of the proposed fence described in this application would be 5' high unstained cedar fencing that would run along the rear property line on our side of our rear neighbors' hedges, which are at least two feet higher than the proposed fence would be. Our rear neighbors, the Knights, fully support our endeavor to put up this fence. Our purpose for the fencing is not privacy, but rather to fully enclose our back yard to keep our dog and children in the back when they play, without danger of them running into the street. The reason we would like the fencing along W. Irving St. to be forest green is so that it blends in seamlessly with the existing foliage in as unobtrusive a way as possible. The attached photo (2) is a picture of fencing that is similar in appearance to our proposed fencing. The reason we would like the green fencing to be solid board fencing is that our dog barks loudly when other dogs or people pass by our property, and we believe he would see people walking their dogs along the W. Irving St. sidewalk and bother them if the fence were an open style of fencing. The picket fencing in the front is far enough from the sidewalk and the street that we feel that problem is less relevant there. The reason we have proposed fencing over 4' high is that our dog can jump 4' in the air from a standing position, so we do not

want him to try to jump up and over the fence. The proposed fencing would not adversely affect the public health, safety or welfare or the reasonable use of the adjoining properties or Village residents because the rear and side fencing do not block or alter any existing view for any neighbors, and the picket fencing in the front will merely add to the architectural beauty of the house and neighborhood. We met with several fencing companies, and we followed the recommendation of our landscaper, Bob Hawkins, to work with Walpole Woodworkers. Although Walpole was by far the most expensive of the contractors with whom we met, we felt the quality and style of the fencing they proposed was most consistent with the high standards of Chevy Chase Village. We have called most of our surrounding neighbors, most of whom fully supported this project. A few did not return our calls, but we have since sent letters to everyone on the notice list fully explaining the proposed fencing and reasons therefore in this application and the variance application being submitted at the same time. For the above reasons, we believe the fencing is fully consistent with the intent and purpose of Chapter 8 of the Chevy Chase Village Code entitled *Buildings and Building Regulations*.

Part of Lot 9 Block 29
Montgomery County, Maryland
Plat Book 2 at Page 106

Don't Green
Scallions
Forcing
26" from
sidewalk

Edge of Sidewalk

$$A = 125.38$$
$$R = 1230.65$$

Picket
Fence

Line

unstained
cedar fence

29

25' B.R.L.
(Building Restriction Line)

PART OF
LOT 9



12,368 $\frac{1}{2}$

2-STORY
FRAME
#5815

LOT 20

P.B. 2 @ P.N. 197

500°00'45" E 125,00

-  = Variance Fencing
-  = Special Permit Fencing

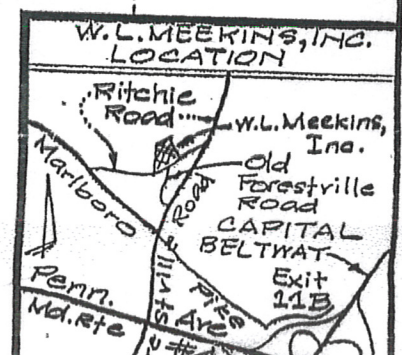
GRAVEL DRIVEWAY

S 89° 59' 15" W & 93.10

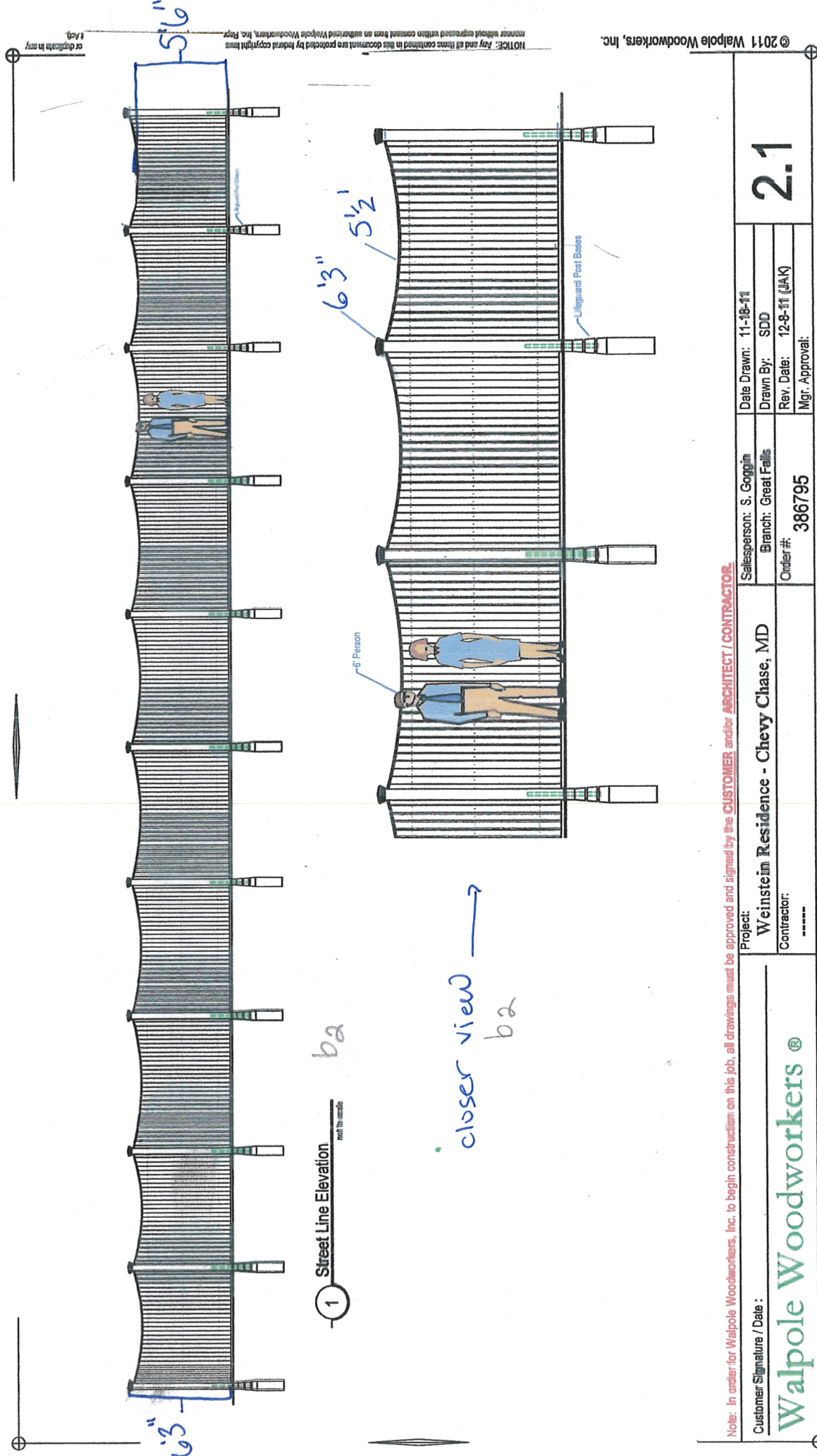
LOT 8

SURVEYOR'S CERTIFICATES:

I hereby certify that the position of the existing improvements on the above described property has been carefully established by a transit-tape survey and that unless otherwise shown, there are no visible encroachments.



Elevation 1 - Dark Green Scalloped Board Fencing



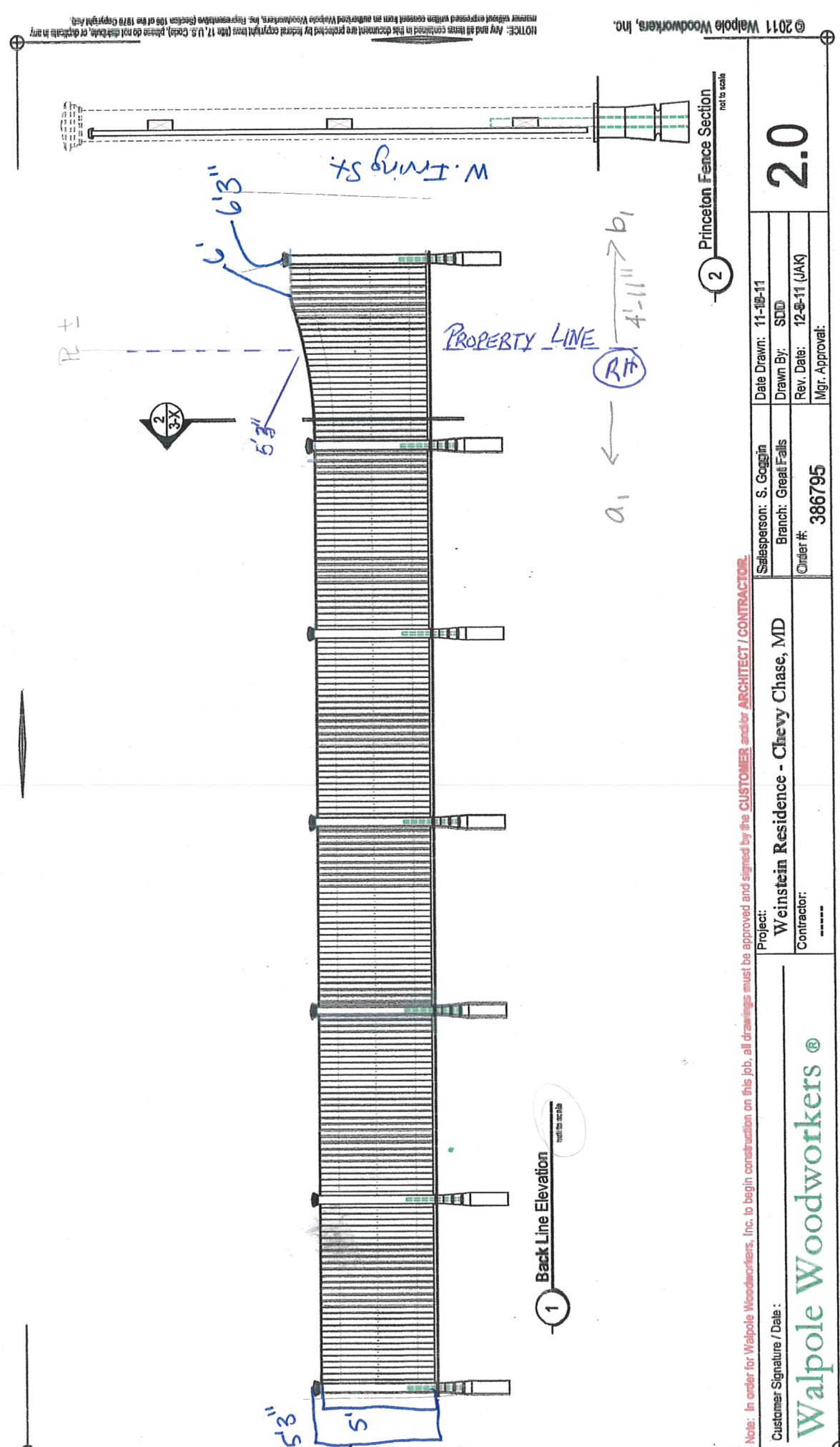
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Note: In order for Walpole Woodworkers, Inc. to begin construction on this job, all drawings must be approved and signed by the CUSTOMER and/or ARCHITECT / CONTRACTOR.

<div>Customer Signature / Date : _____</div> <div>Walpole Woodworkers®</div>	<div>Project: Weinstein Residence - Chevy Chase, MD</div> <div>Contractor: *****</div>	Salesperson: S. Goggin	Date Drawn: 11-18-11
		Branch: Great Falls	Drawn By: SDD
		Order #: 386795	Rev. Date: 12-8-11 (JAK)
		Mgr. Approval:	
		2.1	

2.1

Elevation 3 - Rear Unstained Cedar Board Fencing



1 Back Line Elevation

2 Princeton Fence Section
not to scale

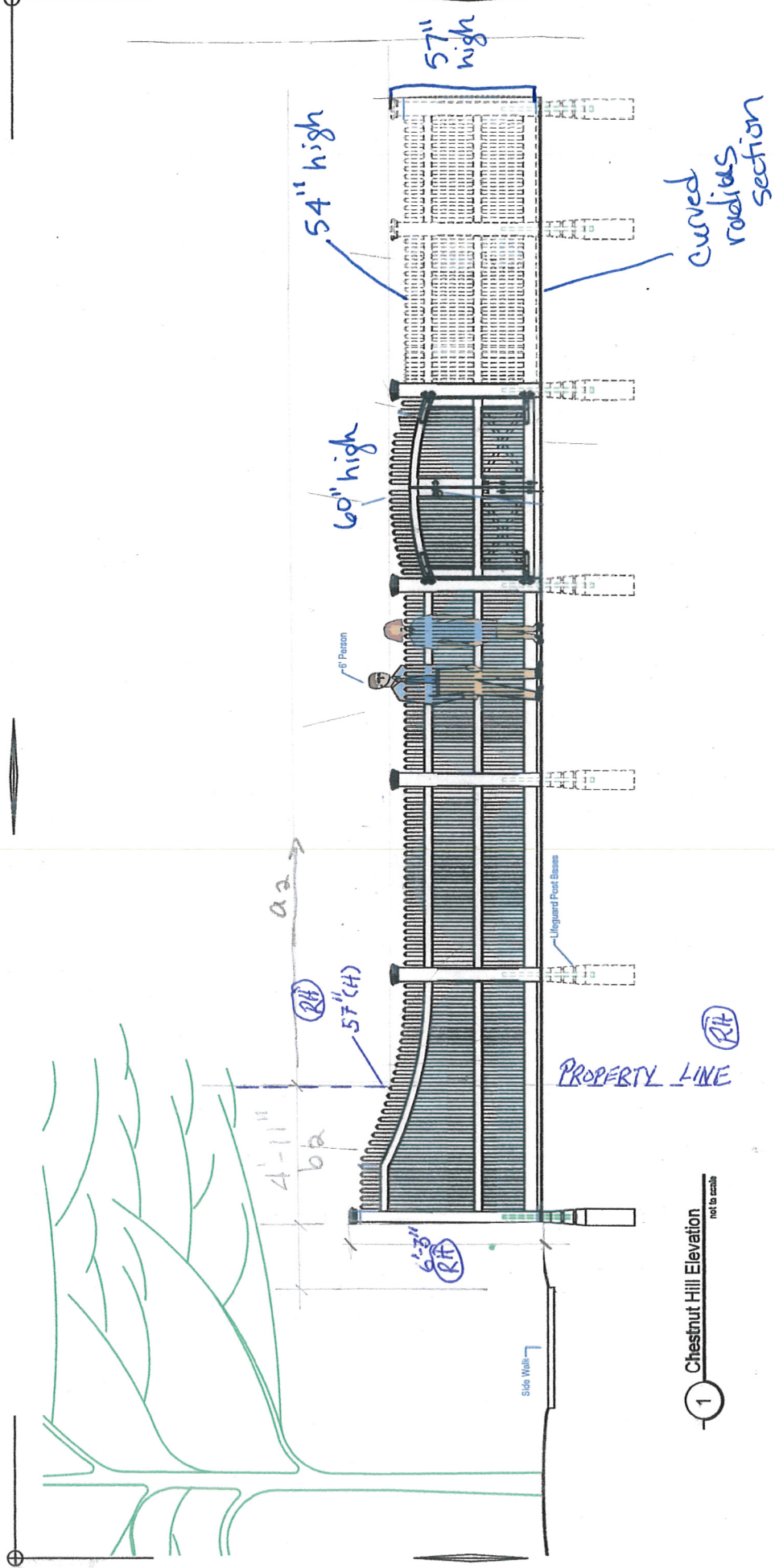
Note: In order for Walpole Woodworkers, Inc. to begin construction on this job, all drawings must be approved and signed by the CUSTOMER and/or ARCHITECT / CONTRACTOR.

<div>Walpole Woodworkers®</div> <div>Customer Signature / Date :</div>	<div>Project:</div> <div>Weinstein Residence - Chevy Chase, MD</div> <div>Contractor:</div> <div>-----</div>	Salesperson: S. Goggin		Date Drawn: 11-18-11
		Branch: Great Falls		Drawn By: SDD
		Order #: 386795		Rev. Date: 12-8-11 (JAK)
				Mgr. Approval:
		2.0		

2.0

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Elevation 2 - White Picket Fencing



1 Chestnut Hill Elevation
not to scale

Note: In order for Walpole Woodworkers, Inc. to begin construction on this job, all drawings must be approved and signed by the CUSTOMER and/or ARCHITECT / CONTRACTOR.

Customer Signature / Date :		Project:		Salesperson: S. Goggin	Date Drawn: 11-18-11
Walpole Woodworkers ®		Weinstein Residence - Chevy Chase, MD		Branch: Great Falls	Drawn By: SDD
		Contractor:		Order #: 386795	Rev. Date: 12-8-11 (JAK)
		*****		Mgr. Approval:	

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Photo 1

Dark Green fence would go along these holly trees and the pine tree.

Photo 2

This is similar to our proposed fencing -

